SHRI G.S. SINGHVI, THE CHIEF JUSTICE
AND
HON'BLE SHRI JUSTICE C.V. NAGARJUNA REDDY
WRIT PETITION NO. 26913 OF 2001

BETWEEN

V. Venkata Narayana Rao

..... Petitioner

And

State of Andhra Pradesh,
rep. by its Principal Secretary
Revenue Department,
Hyderabad & others.

.....Respondents

Counsel for the petitioner : Shri D.V. Sitharama Murthy

Counsel for the respondents : Government Pleader for Revenue.

Date: 21.09.2006

:: O R D E R ::

Per G.S. SINGHVI, CJ

In this petition, the petitioner has prayed for quashing notification dated 08.10.2001 vide which the State Government imposed prohibition against the registration of documents in respect of land in Survey Nos. 1196, 1197, 1027 and 1028 of Village Waltair Ward, Visakhapatnam (urban), Visakhapatnam.

We have heard learned counsel for the parties and perused the record.

By an order dated 07.12.2005 passed in Writ Petition No.14099 of 2003 – K. Ramadevi v. State of Andhra Pradesh, and batch, this Court struck down Section 22-A of the Registration Act, 1908 (for short 'the Act'), as inserted by Andhra Pradesh Amendment Act No.4 of 1999, and Rule 2 (b) of Andhra Pradesh Registration (Prohibition of Registration of Certain Documents opposed to Public Policy) Rules, 1999 (for short 'the Rules').

Learned counsel for the parties agree that the petition for Special Leave to Appeal No.11984 of 2006 filed by the State of Andhra Pradesh against order of the High Court was dismissed by the Supreme Court on 11.08.2006.

In view of the above, notification dated 08.10.2001, which has been issued by the State Government for giving effect to the provisions of Section 22-A and the Rules is liable to be quashed. Ordered accordingly. The competent authority shall now take action for registration and release of the documents to the petitioner after satisfying itself that all other statutory requirements have been fulfilled.

If the document presented by the petitioner has already been registered and released in furtherance

of interim order dated 19.11.2002 passed in W.P.M.P.No. 34042 of 2001, then the said registration and release shall be deemed to have been regularized by virtue of this order.

The writ petition is allowed in the manner indicated above.

G.S. SINGHVI, CJ

C.V. NAGARJUNA REDDY, J

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21.09.2006